

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CT-3017-FL

SEBASTIAN X. MOORE,

Plaintiff,

v.

THEODIS BECK, NORTH CAROLINA
DEPARTMENT OF CORRECTION,

Defendants.

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ORDER

On February 1, 2008, plaintiff brought this action pursuant to 42 U.S.C. § 1983, and sought leave to proceed in forma pauperis. On February 4, 2008, the court reviewed plaintiff's in forma pauperis application pursuant to 28 U.S.C. § 1915(b), directed him to pay an initial filing fee of eighteen dollars (\$18.00), and to thereafter make "monthly payments of 20 percent of the preceding month's income credited to the plaintiff's trust fund account, until the . . . filing fee is paid in full." The court granted defendants' motion for judgment on the pleadings on December 9, 2010, and dismissed this action without prejudice. On August 4, 2008, plaintiff paid the filing fee in full. Plaintiff now moves the court to refund his filing fee payments (DE # 92).¹

The Prisoner Litigation Reform Act ("PLRA") provides that "prisoner[s] **shall** be required to pay the full amount of a filing fee." 28 U.S.C. § 1915(b) (emphasis added); see Torres v. O'Quinn, 612 F.3d 237, 241 (4th Cir. 2010) ("Congress [has] required that indigent prisoners filing

¹ To the extent plaintiff challenges the filing fee for his appeal to the Fourth Circuit Court of Appeals, he must make such challenge in the Fourth Circuit Court of Appeals.

lawsuits be held responsible for the full amount of filing fees.”). The Fourth Circuit has held that inmates are required to pay the filing fee. Roller v. Gunn, 107 F.3d 227, 232 (4th Cir.), cert. denied, 522 U.S. 874 (1997). Based upon the foregoing, the court DENIES plaintiff’s motion for refund of the filing fee (D.E. # 92).

SO ORDERED, this the 30 day of April, 2012.



LOUISE W. FLANAGAN
United States District Judge